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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,208	09/28/2001	Mithat C. Dogan	015685.P123	6059
45222	7590	03/24/2006	EXAMINER	
ARRAYCOMM/BLAKELY 12400 WILSHIRE BLVD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			NGUYEN, DUNG X	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/967,208	DOGAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dung X. Nguyen	2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09 January 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1 - 17 is/are pending in the application.  
 4a) Of the above claim(s) 14 - 17 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 - 13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Response to Arguments***

1. Applicant's arguments filed on January 09, 2006 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, the new ground(s) of rejection is made. Claims 14 – 17 have been canceled.

***Claim Objections***

2. **Claim 1 is objected** to because of the following informalities: after “sequence” first appearance as recited in line 5, “of the set of ordered sequences” should be inserted, “an original sequence” as recited in line 5 should be changed to “the original ordered sequence”, “the original sequence” as recited in line 6 should be changed to “ the original ordered sequence of the set of ordered sequences”, between “one sequence” as recited in line 11, “modified extended” should be inserted. Appropriate correction is required.
3. **Claim 3 is objected** to because of the following informalities: between “original sequence” as recited in lines 3 and 4’, “modified extended” should be inserted. Appropriate correction is required.
4. **Claim 4 is objected** to because of the following informalities: between “one sequence” as recited in lines 3 and 4’, “modified extended” should be inserted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

*The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.*

Art Unit: 2638

6. **Claims 1 - 13 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Regarding claim 1**, the statement of “such that a training sequence can be generated from any one of the modified extended sequences by beginning with any one element of any one modified extended sequence and taking each element of the any one sequence” is conflicted with the specified disclosure.

The claimed “beginning with any one element of any one modified extended sequence” is apparently directed to the “index L” discloses in paragraphs 0067-0068 on page 29 of the specification. According to the disclosure, the value of L is limited with a range (less than 50 in the example given by the applicant). Therefore, the value of L cannot be any value as claimed. Further, on the same page, the applicant also discloses the training sequence is obtained by beginning with the element with index L of the selected row and including the next 72 elements in order. That is, the training sequence is not obtained by taking all elements of the selected row. Therefore, the specification also conflicts with the claimed “taking each element of the any one sequence”.

7. **Claims 2 – 13** are directly or undirectly associated with claim 1, are rejected as well.

#### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (571) 272-3010. The examiner can normally be reached on Monday through Friday from 8:00 AM to 16:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan, Chieh M. can be reached on (5710 272-3042. The fax phone numbers for this group is (571) 273-3021.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

DXN

February 15, 2006

*Chieh M. Fan*  
CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER